

UNITED STATES DISTRICT COURT
IN THE DISTRICT OF SOUTH CAROLINA

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2008 JUN 20 A 10:07

)Civil Action No.

Wesley Edward Smith III

Plaintiff,

v.

Pepsi Bottling Group, Inc, et al

Mrs. Lynn Holly

Mr. John T. Cahill

Mr. Bob Marshall

Mr. Herb Jarvis

Mr. Russ Arnold

Mr. Sean Helsel

Mr. Johns Berisford

Mr. Tim Rosetti

Mr. Jeff Stevens

Mrs. Paulette Aliviti

Mr. Michael Mike Fowler

Mr. Steve Barberio

Mr. Joe Voderic

Mr. Richard Simmons

Mrs. Sharon Sullivan

Mr. Eric Mizell

Mr. Mike Correa

Mr. Jennifer Pankake

Mr. Robert Kuenzli

Mr... Jesse Washington

Mrs. Cassandra Atcherson

Dr. Yates Brown

Mrs. Jody Smitherman

Mr. Scott Katrosh

Mr. Ashely B. Able

Mr. Johnnie Devine

Mr. Joseph Robinson

Mr. Jerry Abraham

Mr. Irvin Haynes

Mr. Tom Mizell

Mr. Roy Miller

Mr. Jerry Abraham

Mrs. Myra Hill

)PLAINTIFF

)COMPLAINT

2:08 cv 2281-DCN RSC

SUBJ: COMPLAINT

If allowed by statute, do you wish to have a trial by jury? Yes XX or No

I PREVIOUS LAWSUITS

A. Have you began other Lawsuits in state or federal court dealing with the same facts involved in this action?

Yes: XX No

B. If your answer to A is Yes, describe the lawsuit in the space below. *[If more than one lawsuit, describe on another sheet of paper using the same outline.]*

1.. Parties to this previous lawsuit:

Plaintiff: Wesley Edward Smith III

Defendant(s): Pepsi Bottling Group PBG INC et al (Note: Enclosed are names of third parties of interest that should have been included as the Defendant in the case, but not properly serviced because misinformed).

2.. Court: United States District Court Charleston South Carolina

3.. Docket Number: Case Number 2:06-0040-DCN-RSC

4.. Name of Judge (s) to whom case was assigned: Judge David Norton/ Judge Robert S. Carr

5.. Status of case: United States Court of Appeals Fourth Circuit Richmond Virginia issued mandated instructions.

6i. Date Lawsuit was filed: 4 Jan 2006

7.. Date of Disposition (if Concluded): not absolutely sure if concluded.

C. Do you have any other lawsuit (s) pending in the federal court in South Carolina?

Yes XX No

II PARTIES

A. Name of Plaintiff: Wesley Edward Smith III

59411 Willard Dr. apt 14 -A Hanahan, South Carolina 29406

Bi. Name of Defendant: Pepsi Bottling Group (PBG) INC. et al

1 Pepsi Way Somers New York 10589

Subj: **COMPLAINT**

III. STATEMENT OF CLAIM

I, Wesley Edward Smith III affirmatively state that the Plaintiff is highly upset and aggrieved for the one side ordeal that the Company Pepsi Bottling Group and authorized third party legal entity and agents falsely accusing the Plaintiff of a violation to the South Carolina code of law under chapter 16-13-10 for accusing the Plaintiff of forgery by signing in for other employees.. It was Erik Mizell that swore that members of Management allowed him to use other person codes which is a written, terminable violation to the Company rules and under the South Carolina Code of law 16-13-110 Shoplifting of over 3,273 case of soda in a weeks time. Steve Barberio and the Plaintiff both counted the same warehouse a week earlier and got the same number in accordance with what was reflected on Period (2) 2005 Hard close Inventory. Steve Barberio signed off on the official documents that went to various locations and even Headquarters located in Somers New York Under the Constitution of the United State of America, where I Wesley Edward Smith am a free American, come in peace was deprive right under the Constitution 42 USC 1983 Title "Deprivation of rights". The Plaintiff suit in equity is requesting this Honorable Jurisdiction to challenge, entertain and enforce its authority of this Jurisdiction as to the Plaintiff claims which also raises the question of mootness. The Plaintiff affirmatively allege that the Defendant deprive the Plaintiff of his right to be heard in a Court of law that action were intentional and maliciously done to harm the Plaintiff and family members alleging a violation to the Plaintiff rights coded under 42 UCS 2000 (b) 5. The Plaintiff affirmatively asserts that the Defendant and third parties are liable and the cause of the Plaintiff unemployment, the loss of income, financial loss, Breach of trust, defamation and the Intentional infliction of Emotional Distress. Affirmatively

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stated the Plaintiff reported that the Plaintiff rights were being violated, that managers were not depositing money on a daily basis, throwing invoices away and not accounting for invoice and not accurately reporting financial errors as instructed and obligated to do that Breach the Covenant in good faith and fair dealings as required procedure to report to Shareholders (which is a violation to SC Code of Laws section 33-7-104 actions without meeting) to remedy any projected financial shortcomings or contingent plans to report as also in accordance with PBG Supervisory Handbook and World wide code of Conduct. I told the director of Human resource that I would report this the Plaintiff finding to the proper authority and Mr. Sean Helsel replied by saying "if you do not get along with member of this management know what will happen to you , you will be looking for another job. The person hereunto listed affirmatively allege hindered the aggrieved Plaintiff from appealing the decision of the "negative reference letter" and conspired in this action thus allegedly committed the fraud upon the Court, the obstruction of justice and from performing its mechanical function and were directly responsible for depriving the Plaintiff his rights to any internal procedure, Affirmatively allege produced falsified information to outside agencies and hindering the performance of the Courts of its action under false pretenses are Mrs. Lynn Holly, Mr. John T. Cahill, Mr. Bob Marshall, Mr. Russ Arnold, Mr. Sean Helsel Mr. Johns Berisford, Mrs Paulette Aliviti Mr. Michael Mike Fowler, Mr. Steve Barberio Mr. Jeff Stevens Mr. Tim Rosetti and Mrs Sharon Sullivan , Mr. Eric Mizell Mr. Mike Correa, Mr. Roy Miller and many others **Mr.. Herb Jarvis** is PBG Chief auditor who only involvement was an after action request about the allege case loss in the Jedburg SC location that Mr. Jarvis stated in the Court record

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documents that he do not see how that loss contributed to the Plaintiff if at all.

Mr.. Joe Voderic Mr. Richard Simmons from June 16 03 until Dec 03 were initially the cause of all the action because of the blatant violation to the Company rules, and for not depositing money of a nightly basis and were also involved in harassment case that made the work place very hostile and uncomfortable until they were promoted and sent to Charleston SC IPBG and received raises. Witness who saw the event first hand of the hostile workplace action is **Mr. Tom Mizell, Mr, Johnnie Devine, Mr. David Vauhn , Mr. Chip Kieser**

Listed are eyewitnesses as affirmed in writing that they did not see anyone take or throw any cases that were involved in the action on 3 Mar 05 were **Mrs. Jennifer Pankake, Mr. Johnnie Devine, Mr. Joseph Robinson, Mr. Jerry Abraham, Mr. Irvin Haynes, Mr. Tom Mizell, Mr. Jerry Abraham and Mrs. Myra Hill**

Affirmatively allege the deprival of the Plaintiff rights under 42 USC 1983 "deprivation of Rights for the issue for crimes committed that was done in secret with the outcome of negative reference letter were possible committed by the perpetrators acting as respectable business employees and associates. This violation was defamation and retaliation against for exercising rights afforded to the Plaintiff under the Plaintiff Uniform Service Employment Reemployment Rights Act code title 38 4301 et seg the Plaintiff right under the United States Constitution South Carolina Code this conspired action Breach of contract with fraudulent intent was the target of a conspired action. The Plaintiff reported violation the Pepsi Bottling Group rules for money not being deposited on a nightly basis and not providing the true net revenue of the Company financial picture and challenge third party authority .

Subj: **COMPALINT**

IV. RELIEF

State briefly and exactly what you want this court to do for you

I, Wesley E. Smith III request the following from the Court hope and prayer is that true justice be served, a fair chance to be heard by the proper adjudicator to be liberally construed without prejudice. The plaintiff seeks a suit in equity. Declaratory relief (Judgment), Summary Judgment, injunctive Relief from enjoining other person for the same suits involve in this action Application for employment in the Court of Law Payment of back pay with interest, loss wages, Breach of contract, (express or implied), breach of any covenant in good faith and fair dealings (express or implied), breach of a covenant/trust in good faith and fair dealings Intentional infliction of Emotional distress, breach of Contract with fraudulent intent, the recovery and relief of punitive damages that is determined by a jury of any losses or other damages by the Enforcement of authority for relief and Recovery of all Compensatory, Punitive (treble) Damages; Cost, time, legal fees parking fees postal fees aggravation fees; for this action and any other damages this Honorable Court deems appropriate and just.

I declare that under the penalty of perjury that the foregoing fact are true

Signed 18 day of June, 2008


Signature of Plaintiff

SWORN BEFORE ME



This 18 day of June 2008

My Commission Expire On

3/29/12

Notary Public for the State of
SOUTH CAROLINA